

# ANTI-LABOR ACTIVITIES IN THE UNITED STATES

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BY DAVID J. SAPOSS  
and  
ELIZABETH T. BLISS

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L. I. D. PAMPHLET SERIES  
LEAGUE FOR INDUSTRIAL DEMOCRACY  
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By DAVID J. SAPOSS

and

ELIZABETH T. BLISS

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## PREFACE

*Published 1940*

THE National Labor Relations Act of 1935 is the crystallization of an economic philosophy implicit in the history of the trade union movement. Bargaining between an individual worker and an employer is one-sided, unfair, and undemocratic. Bargaining between the representatives of an organization of workers and an employer or employers is a step toward the balancing of the scales of property rights and social privileges. In a capitalist society, such a balance is rarely achieved because the press, the radio, the educational system, the courts and the avenues for molding public opinion are usually biased in favor of the dominant and powerful groups in the community.

The crisis of 1929 and the depression which followed resulted in the passage of the National Industrial Recovery Act. The now famous section 7A of this act was an attempt on the part of the legislators to encourage a labor movement which could more effectively cope with the ever increasing economic power exerted by an oligarchy of industrialists and financiers. Workers were to be free from "interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives, or in self-organization, or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection."

In return for this concession, the government was to give employers immunity from anti-trust laws and thus permit them to increase their own economic power through the elimination of cut-throat competition and the stabilization of their markets. The bargain was struck to enable labor to organize and deal as a collective unit with the already organized employers.

Anti-union employers fought bitterly to maintain complete control over their plants and profits. The National Labor Board, com-

posed of five labor, five liberal employer members and an impartial chairman, interpreted Section 7A. It frequently acted as a mediator in labor disputes arising under the so-called "blanket code." It also set up principles of administration with reference to the anti-union discrimination tactics of employers, the choice of representatives for collective bargaining, and the obligations of employers in the collective bargaining process. In spite of this Act and, perhaps, because of it, the period between 1933 and 1935 was marked by the unprecedented development of company unions and a wave of strikes resulting from anti-union employers' opposition to the government! The Labor Board itself suffered from lack of authority and of adequate personnel.

The wave of strikes and the pressure of trade union organizations and of socially minded representatives resulted in the passage of the National Labor Relations Act of 1935. The act established a board of three public spirited men representing neither labor nor employers, whose chief responsibilities were to prevent employers from engaging in certain "unfair labor practices" and to conduct elections among employees in order to determine those representatives of the workers who were to bargain collectively with the employers.

Five "unfair practices" were listed. (Section 8 of the Act.) These were: (1) interference with, restraint of, or coercion of employees in their self-organization and collective bargaining activities; (2) domination of, interference with, or financial contribution to the formation or operation of any labor organization; (3) discrimination, with regard to conditions of employment aimed at encouraging or discouraging membership in any labor organization; (4) discharge of, or discrimination against employees because they might have filed charges or given testimony under the Act; (5) refusal to bargain collectively with the duly recognized majority representatives of the employees.

The Board established regional offices in major industrial cities

through which local cases were to be brought. It was given the power to subpoena witnesses and records; to issue cease and desist orders after hearings which indicate that the employer is guilty of unfair labor practices, and to petition any federal circuit court of appeals for enforcement of its order. It set up a division of research and a legal staff to enable it to carry on its work.

So effective has the National Labor Relations Board been that the stories of opposition to the law have been making the front pages of the newspapers. Not even during the days of the Prohibition Act has there been so much "boot-leg" propaganda against a law and its intent. The contents of this pamphlet present the devious methods used by employers to "beat the law." "Independent unions" take the place of the company union, "citizens' committees" are used to break down the morale of strikers in a community. The anti-union methods are legion. Mr. David Saposs, the chief economist of the Division of Economic Research of the National Labor Relations Board, has been a life-long student of labor movements both in this country and abroad. He is unusually qualified, both in training and background, to evaluate economic organizations in their social perspective. He is a restrained scholar not given to exaggerations. And yet this pamphlet on anti-labor activities, which is based largely on a part of Mr. Saposs's testimony and certain exhibits offered in the Berkshire Knitting Mills Case (N.L.R.B. No. IV-C-106) and on an address delivered by the author before the Hungry Club of Pittsburgh, Pa., April 11, 1938, cries out for consideration by the American public.

The employers have decided that they must win the support of the public—the third party in every labor controversy—and they have set about molding public opinion through all the avenues of publicity at their command: paid advertisements, radio time, "citizens' committees," and "independent unions." The barrage of attack against the National Labor Relations Board has been increasing in volume and bitterness through the insidious and not always subtle

methods of employers and employers' associations. The appeals for "public support" of the employers are made to the white-collar worker, the small business man, the farmer, and the unemployed worker. They constitute the largest section of the so-called "American public." You, who are reading these pages, are a member of this public. Should you not identify yourself with the interests of the workers in the Republic Steel mills or in the Remington-Rand? The attacks on labor by the local vigilante committee constitute threats to your own economic and social status. If you are a merchant in a city like Johnstown, Pennsylvania, what would you gain through activity in the local citizen's committee formed to urge the strikers back to work, unorganized and demoralized? Does not your income depend upon the adequate purchasing power of these very workers—and where will you be if their wages are cut fifteen or twenty percent?

The average citizen who makes up the "public" must not be fooled by the subsidized shibboleths of the manufacturers' associations. Can the American public afford to permit itself to be used as a smoke-screen for attacks against the American workers in the name of a "law and order" shibboleth? When will the average American citizen learn that his political and economic democracy can only be assured by an aggressive participation in those organizations and institutions which attempt to guarantee equality of bargaining power?

TERESA WOLFSON

## ANTI-LABOR ACTIVITIES IN THE UNITED STATES

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### I. INTRODUCTION

Since the enactment of the National Labor Relations Act, many employers have intensified their anti-union activities and have developed new and more subtle techniques to negate the workers' right to organize and bargain collectively. No sooner had the Act been passed than various organizations circulated memoranda and other literature, advising the public, and especially employers, that the law was unconstitutional. The Liberty League brief is the best known of such documents, but similar material was distributed by the National Metal Trades' Association, the National Association of Manufacturers and other belligerent employers' associations. This propaganda was calculated to encourage employers all over the country to defy the Act on the basis of its "unconstitutionality" and to resist all attempts of workers to organize their own unions.

Accompanying the barrage of hostile propaganda, came innumerable injunctions against Board proceedings, before the Supreme Court's decision on April 12, 1937, open defiance of the Board's orders, encouragement of company unions and so-called independent unions, employment of labor spies and strikebreakers, attacks on bona fide unions as communistic, and the organization of citizens committees and back-to-work movements to combat labor organizations.

The investigations of the LaFollette Committee on "Violations of Free Speech and Assembly and Interference with Rights of Labor to Organize and Bargain Collectively" have exposed the employers' resort to espionage to prevent the organization of their employees into bona fide unions, their reliance upon labor spies to ferret out union members against whom they then discriminate or whom they fire and blacklist. These investigations have further revealed the widespread use during strikes of armed strikebreakers, in many instances men with criminal records, and of "missionaries," who are essentially anti-union propagandists.

The establishment and sponsoring of company unions to avoid bargaining with bona fide unions have also received considerable study and analysis as an employer device to negate workers' rights. Because there are adequate analyses of the old-fashioned company unions elsewhere, and because their importance in the anti-union offensive has been on the wane since the Supreme Court's decision upholding the National Labor Relations Act, there is no need for a discussion of this device here.<sup>1</sup>

## II. "INDEPENDENT" UNIONS

VARIOUS new and more subtle techniques of this employer anti-union campaign have as yet received little, if any, analysis.

One of the most important of these devices is the development of the so-called "independent" unions which sprang up like mushrooms, after the Supreme Court's decision, to replace the company unions, outlawed by the Act. These lineal descendants of the company unions are so constituted that it is often difficult to establish their connection with employers, but many of the "independents" thus far investigated by the Board have been found to be company-inspired and dominated.<sup>2</sup> Furthermore, many of the characteristics of the "independents" indicate that they are merely camouflaged company unions. A few examples will suffice to illustrate this similarity.

The very background of the "independents" and the circumstances under which they were formed place them under suspicion as tools of the employer. In many cases, the "independents" studied were re-adapted forms of company unions, which were known to be employer dominated, or they were organized by former employee representatives to succeed outlawed company unions. Of eighty-five "independent" unions analyzed by the Division of Economic Research in July, 1937, fifty-five were formed to compete with a bona fide union engaged in an organizing campaign; fourteen were formed during a strike in the plant or company involved; and twelve were formed in "loyalty" or back-to-work movements, whose origins, in most cases, were traceable to employer sources.<sup>3</sup>

These agencies are defended and championed by employers; very little, if any, literature emanating from workers can be found which defends "independents" or urges them as instruments of collective bargaining. Attacked in union publications as employer devices to

defeat genuine collective bargaining, they obtain their main support from former employee representatives, not free from suspicion as tools of management, from citizens' groups and individuals who are sensitive to the wishes of the employer, from concerns whose sole business is selling their services to groups interested in setting up an "independent," and directly from employer sources.

It is significant in determining the nature of these "independents" that the National Association of Manufacturers, long out-spoken in its opposition to bargaining with bona fide unions, carried a sympathetic article in its *Labor Relations Bulletin*, entitled "Independent Unions."<sup>4</sup> In this article, information was given as to how employee representation plans could be transformed into "independent unions," membership appeals were reprinted, and typical constitutions and by-laws were set forth. The tie between management and the "independents" was inadvertently disclosed by the following sentence and heading:

*"On the following page begins a typical announcement of the management of one company to its workers to acquaint them with the organization of an independent union."*<sup>5</sup>

*"Announcement of the X. Y. Z. Company to Acquaint All Workers with the Independent Labor Union the following Information Is Given"*<sup>6</sup>

The italicized portions of the above quotations were blacked out in an unsuccessful attempt to obliterate what seems to be a confession on the part of the National Association of Manufacturers that these "independents" are the offspring of management.

A similar article defending the employees' right to form "independent" unions, appeared in *Factory Management and Maintenance*, a magazine depending upon management for circulation and advertisements. It, likewise, outlines a procedure by which employees can set up an "independent" union, provides a sample constitution, and discreetly gives the employers' stamp of approval to this type of organization.<sup>7</sup>

Structurally the "independents" are not organized for effective collective bargaining. They follow the pattern established by the company unions in that their membership is usually restricted to a particular plant or firm, and in that they scorn affiliation with national

labor organizations of the same trade or industry. In only a few instances does membership extend beyond plant or firm demarcations. The study of eighty-five "independents," made by the Division of Economic Research, disclosed that the membership of seventy-seven of these unions was confined to one plant or company and that in only three cases did membership cover more than one company.<sup>8</sup> This practice presents a sharp contrast to that followed by the bona fide unions. These unions have found affiliation with other organized groups, having similar interests, essential to effective bargaining in a highly industrialized society.

Recently the "independents" have made many abortive attempts to federate, and several functioning federations are now in existence. The tendency still persists, in spite of these federations, for the "independents" to bargain on a plant or, at most, on a company basis. Little is said and still less is done about utilizing the advantages of cooperation to cope with the competitive market situation and to strengthen the position of the "independents" in bargaining with the employer. The real objective of these federations is revealed by their emphasis on the need for a "united front" against both the A. F. of L. and the C.I.O. Violence, racketeering, and communistic tendencies are played up as characteristics of the bona fide unions in the literature of the "independents" and in the utterances of their leaders.<sup>9</sup> Arguments are then made for the need for a dual movement that will compete with and combat the established unions. Correspondence, subpoenaed by the Board from the files of the Berkshire Employee's Association, Inc., contains the following comments of spokesmen for the "independents":

"An alliance between your shop and ours would be the opening wedge that would split the hosiery union (C.I.O.) apart. With the combined strength of our members we could line up the other shops, give them support and soon become a real factor in this affair."<sup>10</sup>

"The benefits of such an organization are many and could help all of us in many ways; for one we could purchase as much as possible of each others products and show these union mongrels that they are not as smart as . . . they think they are."<sup>11</sup>

"I attended the meeting at Hershey, but am somewhat dubious about its eventual success. It seems like too much of a nickel and dime outfit to successfully combat the C.I.O. and the A. F. of L."<sup>12</sup>

"Fighting million dollar outfits with nickels . . . "<sup>13</sup>

"It is my opinion that a confederation of independent unions is the best possible competition against and defense that will beat the violence and racketeering of the unions now being exhibited."<sup>14</sup>

The leaders of the "independents," vehemently opposed to the bona fide unions, take every opportunity to attack them and to defend the position of an employer who is engaged in a controversy with a labor organization. In this they resemble the spokesmen of the outlawed company unions.

Membership appeals made by the "independents" misrepresent union organizers as "outside agitators" who draw fat salaries at the workers' expense. This propaganda implies that the policies of union locals are dictated from above by unscrupulous leaders and are not determined by the needs of the workers in a particular plant. A separatist position is taken by placing special emphasis upon the fact that members of "independent" unions will not be called upon to cooperate with other organized workers involved in a labor dispute when the controversy has no immediate bearing upon them. This position disregards the lesson implicit in the history of isolated bargaining units in a highly developed and dynamic industrial order. It ignores the necessity of collaboration with other organized groups to protect mutual interests and to insure survival.

Typical of the solicitations of the "independents" are the following examples. One membership appeal, reprinted in the National Association of Manufacturers' Labor Relations Bulletin, cited the advantages enumerated below:

"A union of steel workers, **BY** steel workers, **FOR** steel workers. . . . The Independent is what the name **SAYS** it is—**INDEPENDENT**. It is free from company domination and equally free from labor bosses.

"The **INDEPENDENT** is a union for steel workers, and steel workers **ONLY**. Its officers are men who work in the mills, you, and **YOU ALONE CAN SAY** who shall be its officers.

" . . . There will be no fat salaries paid from workers' dues. There will be no strike fund, and no special assessments to support strikes in other industries."<sup>15</sup>

The tenor of the literature prepared by Independent Organiza-

tions' Service, Inc., an agency which furnishes workers with information as to how to establish independent unions,<sup>16</sup> is similar.

"Our employer can do nothing to protect us against labor disturbances started by outsiders or from outside coercion and intimidation. We must protect ourselves.

*"Govern Ourselves*

1. Govern ourselves and fight our own battles with our employer whenever necessary to do so . . .
2. Control ourselves the amount of monthly dues, and make them the minimum amount necessary to properly maintain and operate an independent union solely for the benefit of its own members.
3. Control ourselves the amount we shall be assessed and the purpose for which assessment is made. Don't let outsiders assess or fine us for the benefit of other persons.
4. Control ourselves the expenditure of our own initiation fees, dues, and assessments, and don't permit outsiders to spend them for the benefit of other employees in other towns or other states or to pay salaries to organizers, business agents and Grand Officers who do not work among us . . .
5. Own our union charter ourselves, and do not permit outsiders to revoke it, in order to enforce payment of fines or assessments levied upon us by these outsiders.
6. Govern ourselves in strike matters, and do not be the objects of outside labor dictation. If we want to strike, let us have the complete authority to do so, without the sanction of outside labor dictation. If we want to continue to work, no outsider can dictate to us and force us to strike. Let us not be called out by outsiders on any sympathetic strike, or on any other strike.
7. OUTSIDE LABOR DICTATION IS AS BAD AS DICTATION BY MANAGEMENT OR CAPITAL. LET US NOT JUMP FROM THE FRYING PAN INTO THE FIRE. LET US SEIZE THIS CHANCE TO GOVERN OURSELVES.

"There is a distinction between our independent local union and the local lodge of the C.I.O. in that in our independent local union the members control and govern themselves, while the local lodge of the C.I.O. is not independent, but is subject to the rules and directions in some respects of district and national officers."<sup>17</sup>

The anti-union bias of these "independents" is even more apparent

in times of a labor controversy. Soon after the National Labor Relations Board's decision on the Remington Rand case on March 13, 1937, the Ilion Association of Remington Rand Employees, the Association of Remington Rand Employees of Syracuse, and the Middletown Association of Remington Rand Employees, Inc., "independents" found by the Board to be puppets of the employer, submitted a report on the Board's charges to James H. Rand, Jr.<sup>18</sup> This report was made with the idea that it should be distributed to the public to counteract the impression created by the Board's findings; the management was urged by the committee "to reprint and distribute it (the report) wherever the false charges and the threats of boycott have appeared."<sup>19</sup>

This pamphlet labeled the strike as a minority strike, although the Board found that the majority of the production and maintenance employees were members of the union,<sup>20</sup> and that a majority of those voting on the strike issue had voted affirmatively.<sup>21</sup> Charging that the A. F. of L. union claimed that low wages, long hours and bad working conditions justified a strike, the report cited wages "equal to or higher than average in similar industries," a forty-hour week, time and half for overtime, and healthful working conditions. It ignored the fact that these conditions had, in large measure, been obtained by the union in its agreement of 1934 and that the primary issue of the strike was the company's refusal to bargain collectively. Responsibility for the violence committed during the strike was attributed to the union. The presence of strikebreakers and other professional trouble makers was denied, although the testimony of Bergoff, and Chowderhead Cohen, and the Burns operatives leaves no doubt upon this point. Intimidation by the strikers of public officials and members of the community is elaborated upon, but no hint is given of the economic pressures brought to bear by Rand on the strike-bound communities. Insinuations are made that the strikers were Communists or Communist-led because they adopted the sit-down technique. In short, this pamphlet is a reiteration of the skillful propaganda utilized by Rand to break the strike.

Since it is now illegal for employers to contribute to the support of a union, devious means are resorted to for fund raising. These means are so inadequate, so unusual, or so uncertain that, when they are combined with other features peculiar to the "independents," it is

difficult to believe that these organizations intend to be bona fide collective bargaining agencies, free of employer domination.

A few "independent" unions have resorted to the collection of dues. This has always been regarded as the most certain method of fund raising by substantial and self-supporting organizations, whether they are labor organizations, fraternal orders, manufacturers' associations, or chambers of commerce. In most cases, where such a provision has been made in the constitutions of "independents," dues are very low. Gee of the National Association of Hosiery Workers wrote Werner of the Berkshire Employees Association saying:

"One big fault at Hershey was the fact that some of the delegates represented a group of nickle and dime outfits that cried all over the hall over the dues until they beat them down to the ridiculous figure of 25 cents per capita a year. Then they moaned about \$300 a month for executives."<sup>22</sup>

The sums mentioned for dues and for salaries of executives are both ridiculously low for an organization which expects to bargain effectively. They are obviously inadequate to finance educational literature, research, strike benefits, expert bargainers and organizers, legal counsel, and other necessary undertakings, yet 25 cents is quite a usual figure for the monthly dues of these independents. In some cases, they run as low as 10 cents a month. The inadequacy of the dues for financing necessary union activities leads to the conclusion that the "independents" are not primarily interested in effective collective bargaining. On the contrary, they are under-cutting the bona fide union rates in an attempt to gain a competitive advantage in recruiting membership for the fight to destroy "regular" labor organizations.

In some cases an attorney, who has had no previous experience with labor organizations and who has never indicated labor sympathies, has advanced the initial funds and has drafted the constitution, by-laws, and incorporation papers without a definite understanding as to what his fee would be. Some lawyers have even been known to defend an "independent" in legal proceedings without any financial arrangement. A few examples will suffice to show the unusual nature of this kind of procedure and will give some indication of these lawyers' source of support.

In the G. Somers & Company case the "independent" contracted a Mr. William C. Green, who had organized several "independents" in St. Paul, Minnesota. The arrangement made with Mr. Green was that he should be paid for the interview in which he gave the initiators of the "independent" organizational advice. In addition, it was agreed that Green should continue to render his services and that the Association, "when and if formed, would pay the remainder of his fee."<sup>23</sup>

In the Kiddie Kover Manufacturing case, a Mr. Leo C. Lillie, counsel for the company, also represented the "independent" when it appeared before the National Labor Relations Board. No charge was made for this service. The record indicates that in return for the assistance of the president of the "independent" in the preparation of the company's defense, "Lillie undertook to represent the Association which, upon his advice, intervened in this proceeding."<sup>24</sup>

In another case a Mr. John B. Spiers, attorney for J. Freezer & Son, Inc., drew up the articles of incorporation and secured a charter for the J. Freezer & Sons, Inc., Employees' Association. The record shows that "Spiers neither sought nor received any fees for legal services rendered to the association . . ."<sup>25</sup>

In the Inland Steel Case, the attorney who represented the "independent" explained his connection with his clients in the following manner:

"I have never made any arrangement with these gentlemen. It stands purely on a quantum meruit basis, insofar as their ability to pay exists. I have never been paid anything by anybody."<sup>26</sup>

In the Griswold Manufacturing Company Case, a lawyer guaranteed payment for expenses incurred for printing application cards for an "independent" then in the process of formation. He also rendered legal services with the understanding that he would be paid if the "independent" was successful. The sum was not specified.<sup>27</sup>

There are several instances where prominent citizens in the community, who were known to be opposed to bona fide labor unions, have paid the lawyers of the "independents" and have supplied the initial organizational funds. In Morehead City, North Carolina, one of the prominent citizens "who is openly and violently opposed to labor unions,"<sup>28</sup> paid the incorporation expenses of the Regal Employees Association, Inc.<sup>29</sup> An Enos Valliant, a business man of Cam-

bridge, Maryland, was the chief promoter of an "independent" in the Phillips Packing Company, Inc. He admitted that the "independent" was financed by funds raised by subscription among Cambridge business men and merchants who desired to settle a strike against the company and to keep any "outside" labor organization away from the town. In this case too an attorney, "motivated" by public interest and spirit," donated his legal services to the "independent."<sup>30</sup>

In another case which makes the connection between these "independents" and management more obvious, a foreman assumed the obligation of financing an "independent" in the Federal Bearings Company. He advanced almost one hundred dollars toward the initial organizing expenses. A month after the decision had been made to incorporate the "independent," no provision had been made for the collection of dues, although printing and legal expenses had been incurred. The employees' association was still "presumably relying upon the beneficence of West," the foreman.<sup>31</sup>

Occasionally a few of the organizers have advanced their own money or have borrowed from relatives or friends. For example, five employees of the Indianapolis Glove Company, a truck driver, a shipping department clerk, a salesman, a leather cutter, and another whose occupation is not described in the record, borrowed eight hundred and fifty dollars from the Security Trust Company of Indianapolis for the purpose of defraying the expenses of an "independent" which they were organizing.<sup>32</sup>

A similar procedure was followed in the Inland Steel Case, where certain members and directors made contributions and loans to the treasury of the "independent" for organizing expenses.<sup>33</sup>

Other "independents" rely on voluntary contributions, entertainments, picnics and other social activities as their sole source of income. Some raise their funds directly and others through an affiliated social organization acting on their behalf. The Independent Textile Workers of Bemis, for example, relied entirely upon voluntary contributions for funds.<sup>34</sup> The Berkshire Employees' Association, Inc., used a combination of these fund raising devices. It maintained a so-called "war chest," a box for voluntary contributions. In addition, it sponsored dances, picnics, and other entertainments to raise funds, and conducted a blanket raffle club, the profits of which went into its treasury.<sup>35</sup>

Such methods are obviously unreliable if a steady source of income is desired, and they afford no method of checking to determine whether all of the members are carrying their share of the financial burden in return for the benefits which they receive from the organization. Furthermore, such fund raising devices, by concealing individual contributions made in cash, make it easy for the company to contribute without detection.

There are other cases on record where banks have granted loans without tangible collateral to "independents" which have not built up substantial treasuries and which have no regular source of income. For example, the record of the Weirton Steel case shows that the National Exchange Bank and Trust Company of Steubenville, Ohio, loaned the ERP sixteen hundred dollars for the election expenses of the association. No collateral was put up for this loan; its only backing was the signatures of the chairman, secretary, and counsel of the ERP, who executed the note for the ERP in their official capacities. This loan was made at a time when the association was relying for its funds on the income from entertainments.<sup>36</sup>

This same record also shows that the Bank of Weirton loaned the Security League of the Tin Mill Unit three hundred and fifty dollars to fix up its bowling alley. Here again no collateral was required. The signatures of the officials of the League were considered a sufficient guarantee for the note, in spite of the fact that the income of the League was as uncertain as that of the ERP.<sup>37</sup>

The structure, practices and sources of support of "independent" unions outlined in the above section do not indicate that they can or expect to become substantial, self-supporting organizations for collective bargaining.

### III. BACK-TO-WORK MOVEMENTS AND VIGILANTISM

**B**ACK-TO-WORK movements and vigilantism are other threads in the pattern of anti-labor activities sponsored by employers. These activities appear ostensibly as civic movements, designed to support a spontaneous desire of a large number of employees to return to work. However, investigation by the Board has consistently revealed that they are surreptitiously organized by employers involved in labor disputes, by employer groups which are resisting the organization of labor, and by business dependents who have been subjected by employers to economic pressures. The real objective of these movements is to break the spirit of the strikers and the backbone of the strike.

Back-to-work movements are usually instigated directly by the employer or indirectly through a company union, an "independent" union, a labor spy, or through business associates in the community. They are designed to terrorize and demoralize striking employees and to stampede them to return to work. Paid agitators and strikebreakers are imported to incite the strikers to violence. High-priced publicity men are hired to label the strikers as a minority group forcing the majority of the workers to lose valuable working time, creating violence, destroying property, and causing heavy financial losses to the community. Red-baiting is often a characteristic of this propaganda. Threats by the management to move the factory, creation of hostile public opinion, and the opening of the plant with a great display of armed force, are all techniques of undermining the strikers' morale and breaking the strike. Another is the use of strikebreakers, "missionaries," and "independent" union officials to create the impression that, unless the strikers return to work immediately, they will lose their jobs permanently. Business and professional men, public officials, and others in the community are likewise terrorized and browbeaten by the threat of a permanent loss of the plant's pay roll in order to force them to fall in line with these unlawful procedures.

The Remington-Rand Company devised what is perhaps the most highly developed back-to-work formula. In view of its inclusion of every device previously described, it represents, in a sense, an ideal type, and has been widely publicized and imitated as such. For example, the National Association of Manufacturers, after giving a de-

tailed analysis of the means by which the strike was broken, announced:

"The N.A.M. appreciates the opportunity, through these columns, of bringing to the attention of industrial America the constructive manner in which this controversy was handled by these villages. Regardless of the final settlement of the dispute, here or at other Remington-Rand plants, Ilion has made a real contribution to civic dignity."<sup>33</sup>

Because the "Mohawk Valley Formula," as it is called, has played such an important role in the employers' anti-union offensive, especially in the recent steel strike, the Board's summation is reproduced here.

"First: When a strike is threatened, label the union leaders as 'agitators' to discredit them with the public and their own followers. In the plant, conduct a forced balloting under the direction of foremen in an attempt to ascertain the strength of the union and to make possible misrepresentation of the strikers as a small minority imposing their will upon the majority. At the same time, disseminate propaganda, by means of press releases, advertisements, and the activities of 'missionaries,' such propaganda falsely stating the issues involved in the strike so that the strikers appear to be making arbitrary demands, and the real issues, such as the employer's refusal to bargain collectively, are obscured. Concurrently with these moves, by exerting economic pressure through threats to move the plant, align the influential members of the community into a cohesive group opposed to the strike. Include in this group, usually designated a "Citizen's Committee," representatives of the bankers, real estate owners, and business men, i.e., those most sensitive to any threat of removal of the plant because of its effect upon property values and purchasing power flowing from payrolls.

"Second: When the strike is called raise high the banner of 'law and order,' thereby causing the community to mass legal and police weapons against a wholly imagined violence and to forget that those of its members who are employees have equal rights with the other members of the community.

"Third: Call a 'mass meeting' of the citizens to coordinate public sentiment against the strike and to strengthen the power of the Citizen's Committee, which organization, thus supported, will both aid the employer in exerting pressure upon the local authorities and itself sponsor vigilante activities.

"Fourth: Bring about the formation of a large armed police force to intimidate the strikers and to exert a psychological effect upon

the citizens. This force is built up by utilizing local police, State Police, if the Governor cooperates, vigilantes, and special deputies, the deputies being chosen if possible from other neighborhoods, so that there will be no personal relationships to induce sympathy for the strikers. Coach the deputies and vigilantes on the law of unlawful assembly, inciting to riot, disorderly conduct, etc., so that, unhampered by any thought that the strikers may also possess some rights, they will be ready and anxious to use their newly acquired authority to the limit.

“Fifth: And perhaps most important, heighten the demoralizing effect of the above measures—all designed to convince the strikers that their cause is hopeless—by a ‘back to work’ movement, operated by a puppet association of so-called ‘loyal employees’ secretly organized by the employer. Have this association wage a publicity campaign in its own name and coordinate such campaign with the work of the ‘Missionaries’ circulating among the strikers and visiting their homes. This ‘back to work’ movement has these results: It causes the public to believe that the strikers are in the minority and that most of the employees desire to return to work, thereby winning sympathy for the employer and an endorsement of his activities to such an extent that the public is willing to pay the huge costs, direct and indirect, resulting from the heavy forces of police. This back-to-work movement also enables the employer, when the plant is later opened, to operate it with strikebreakers if necessary and to continue to refuse to bargain collectively with the strikers. In addition, the ‘back to work’ movement permits the employer to keep a constant check on the strength of the union through the number of applications received from employees ready to break ranks and return to work, such number being kept a secret from the public and the other employees, so that the doubts and fears created by such secrecy will in turn induce still others to make applications.

“Sixth: When a sufficient number of applications are on hand, fix a date for an opening of the plant through the device of having such opening requested by the ‘back to work’ association. Together with the Citizen’s Committee, prepare for such opening by making provision for a peak army of police by roping off the areas surrounding the plant, by securing arms and ammunition, etc. The purpose of the ‘opening’ of the plant is threefold: To see if enough employees are ready to return to work; to induce still others to return as a result of the demoralizing effect produced by the opening of the plant and the return of some of their number; and, lastly, even if the maneuver fails to induce a sufficient number of persons to return, to persuade the public through pictures and news releases that the opening was nevertheless successful.

“Seventh: Stage the ‘opening’ theatrically, throwing open the gates at the propitious moment and having the employees march into the plant grounds in a massed group protected by squads of armed police, so as to give to the opening a dramatic and exaggerated quality and thus heighten its demoralizing effect. Along with the ‘opening’ provide a spectacle—speeches, flag raising, and praises for the employees, citizens, and local authorities, so that, their vanity touched, they will feel responsible for the continued success of the scheme and will increase their efforts to induce additional employees to return to work.

“Eighth: Capitalize on the demoralization of the strikers by continuing the show of police force and the pressure of the Citizens Committee, both to insure that those employees who have returned will continue at work and to force the remaining strikers to capitulate. If necessary, turn the locality into a warlike camp through the declaration of a state of emergency tantamount to martial law and barricade it from the outside world so that nothing may interfere with the successful conclusion of the ‘Formula,’ thereby driving home to the union leaders the futility of further efforts to hold their ranks intact.

“Ninth: Close the publicity barrage, which day by day during the entire period has increased the demoralization worked by all of these measures, on the theme that the plant is in full operation and that the strikers were merely a minority attempting to interfere with the ‘right to work,’ thus inducing the public to place a moral stamp of approval upon the above measures. With this, the campaign is over—the employer has broken the strike.”<sup>20</sup>

It is certain that the formula, perfected by Rand and publicized by the National Association of Manufacturers, did get the “attention of industrial America,” that is, the anti-labor sector of “industrial America.” Under the auspices of Bethlehem Steel Company, the Steel Workers Committee of Johnstown was set up to mobilize the workers for a back-to-work movement. The prominent citizens of the community were organized into the Citizens Committee of Johnstown to bring pressure upon the strikers to go back to work. This committee, heavily financed by Bethlehem Steel, engaged two prominent agencies to carry on a national advertising campaign to discredit the C.I.O. and to foster the back-to-work movement.<sup>21</sup> The combined activities of the Steel Workers Committee and the Citizens Committee of Johnstown were successful in creating a hostile public opinion and ultimately in breaking the strike. The National Association of

Manufacturers was explicit on this point. In an article entitled "Public Opinion Chief Factor in Ending Johnstown Steel Strike," the following statements appear:

"By mid-week of the first seven days of the strike the people of Johnstown awakened to the fact that the management of Bethlehem was determined it would not be coerced by a very small minority of its men and the pendulum of public support began slowly but surely to swing behind the majority of the workers in the plant.

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"Johnstown became an aroused citizenry, seriously worried over the well-being of the community.

"Under the leadership of an unchainable force of mass public opinion not only among local law and order authority, shop keepers, and business men generally, but also among the workers themselves, a definite back to work movement began . . .

**"THE GREAT COURT OF PUBLIC OPINION HAD BROKEN THE STRIKE AND NOTHING COULD SAVE IT."**<sup>42</sup>

In a similar fashion, public opinion was mobilized to support the employer anti-union offensive in strike situations all over the country. A pamphlet, clearly demonstrating the nation-wide importance of employer manipulated back-to-work movements, was distributed in August, 1937, by the National Association of Manufacturers. This pamphlet, entitled *Industrial Strife and the "Third Party,"* emphasizes the importance of public opinion as a deciding factor in strike situations, and gives a sympathetic description of the manner in which the "Third Party" has been enlisted in back-to-work movements. Public opposition to strikers, this pamphlet states, "has been expressed principally in two directions: a spirit of vigilantism in different areas of the country, . . . and, secondly, the formation of Citizens Committees in communities afflicted with labor difficulties. . . ."<sup>43</sup> The following examples, cited in the pamphlet, indicate the widespread activities of back-to-work movements, modeled on the "Mohawk Valley Formula."

"In Monroe, Michigan, the C.I.O. picket line was broken by public sentiment. . . . Business men and professional groups formed various leagues and set up modified vigilante organizations, to aid the sheriff and local officials."<sup>44</sup>

"In January of this year (1937) during the General Motors strike,

there was organized in Flint, Michigan, what is known as the 'Flint Alliance' . . . It objected strongly to the methods used in the community which caused the unemployment of thousands of men and women who wished to work and it furthermore sought and solicited the active cooperation and support of every reasonable man and woman in order to reestablish peaceful and orderly procedure in the community."<sup>45</sup>

"In the state of Ohio the steel strike has engendered a bitter hostility towards the C.I.O. . . . Shopkeepers, local business men, professional men and farmers felt that the prolonged strike had seriously hurt them. Supplementing this group were many steel workers who desired to work but were prevented by a strongly organized and militant minority. The valley (the Mahoning Valley) is today seething with the spirit of vigilantism which has failed to materialize in a formal organization, only because there has been no pressing need for this as yet . . . the back-to-work movement under the sponsorship of independent unions gained momentum. . . . In Youngstown, the movement (back-to-work) took shape in the formation of the MAHONING VALLEY CITIZENS COMMITTEE which ran full page advertisements calling upon the citizens to sign membership coupons printed with the ad (which insisted that the 'right to work' be protected) . . . back-to-work movements appeared both in Warren and Canton. In Canton a 'Citizens Law and Order League' was formed . . . In Warren, a John Q. Public League was formed. . . ."

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" . . . the emergency conditions which presented themselves this year (in Kansas City in 1937) seemed to demand a specially functioning committee and as a result the 'Emergency Committee for Law and Order' was formed.

"A steering committee of influential citizens was formed. This committee had meetings about every day . . . some with those in charge of the Police Department and the city generally. Many advertisements were run in the newspapers explaining the situation and appealing to the public for their support of the Emergency Committee . . . ."<sup>46</sup>

Whereas both the "independents" and the back-to-work movements maintain an outward semblance of legality, vigilantism, another form of employer stimulated anti-labor activity that is being used widely and that is often linked to back-to-work movements, puts itself above the law. In so doing, it completely disregards the legal rights of one

group in the community, the workers. Employing violent means, it seeks to break up unions and to coerce workers to foreswear their right to organize.

Robert Brooks, in his recent book, *When Labor Organizes*, gives an excellent description of this type of activity.

"Organized intimidation may easily pass over into violence, and frequently does. Citizens' committees become 'vigilantes' or 'law and order' groups which raid union headquarters, smash furniture, destroy records; pour kerosene over food supplies; shoot up, trample down or set fire to tent colonies; kidnap and beat union leaders and members; break up picket lines, or eject stay-in strikers from plants. On these occasions police frequently are mysteriously absent from the scene, or else appear just in time to arrest union leaders for various crimes and misdemeanors. During the vegetable and fruit pickers' strikes in southern California in 1934, metal mining strikes in Arizona in 1935, Southern textile strikes in 1929-30, seamen's and longshoremen's strikes in 1934, Pennsylvania strikes in 1933, recent Arkansas sharecroppers' strikes and scores of other instances strikers and strike leaders have been beaten, tortured, kidnaped, and murdered by organized 'law-and-order' mobs. Sometimes these vigilante groups appear to be relatively spontaneous undertakings. Occasionally rival unions have a hand in breaking each other's strikes or organizing campaigns in this way. Usually, however, there is evidence of careful preparation either open or covert by employing interests. Professional strikbreakers, local American Legion groups, the Ku Klux Klan, the Black Legion and a dozen or more secret or avowed anti-labor groups are available in many sections of the country to carry on this form of strikebreaking activity. In industrial or agricultural districts where economic life is not diversified, where social life is monotonous and excitement at a premium, where poverty among workers and the lower middle class is great, and where organized justice has a purely nominal existence, vigilante activities develop as a result of a truly psychopathic social condition. The raw material for group warfare lies constantly at hand. The spark struck by a strike may quickly ignite the dry tinder of hate, superstition, ignorance, boredom, race prejudice, mass poverty, fanaticism and group medium. A little fanning by the dominant economic interest quickly promotes a conflagration which burns itself out only when bodies have been mutilated, property smashed, the community scarred and a victory won for the open shop."

Handbills similar to those below are used by the vigilantes to intimidate union organizers with threats of personal violence and even death.

#### "WARNING

Vigilantes are ready to take care of any radical organizers. Whistle code shall be used as instructed.

#### "ROPES ARE READY"<sup>45</sup>

#### "Communism

Will not be tolerated

KU  
KLUX  
KLAN  
Rides  
Again

#### Negro Longshoremen

Agitators are doing everything they can to get you in trouble.  
The Klan is against Communism and Agitators.  
The Ku Klux Klan is watching. Be Careful.  
The Klan stand for Law and Order.

#### GO TO WORK!

KU KLUX KLAN  
P. O. Box 742"<sup>46</sup>

If the organizers do not take the hint to leave town, they are burned in effigy; union headquarters are raided and wrecked; organizers and union members are brutally beaten, tarred and feathered, and sometimes murdered. In short, all the civil liberties of the workers are flouted by the vigilantes, parading under the banner of "law and order," in their lawless efforts to prevent organization or to break a strike.

#### IV. PSEUDO-PATRIOTIC ORGANIZATIONS

**S**TILL another agency through which the employers operate in their manipulation of public opinion against unions is what may be termed the pseudo-patriotic organization. Agencies of this type, financed primarily by large donations, are presumably organized to fight subversive movements. They actually direct their energies toward fighting legitimate labor organizations which they falsely attack as radical and anti-government. Their primary function is to make available for distribution literature calculated to create the impression that regular unions, particularly those affiliated with the C.I.O., are communistic, un-American, and lawless. This literature is widely distributed by employers and "independent" unions in pay envelopes and is reproduced in the columns of the company's or "independent's" paper.

The Constitutional Educational League is an organization of the above type. In the words of its Secretary-Treasurer, Chester A. Hanson, it has as its purpose "Education pertaining to the Constitution, interpretation of the Constitution, and education, information pertaining to subversive movements in this country which are working against or for the destruction of the Constitution of the United States."<sup>50</sup>

Under questioning by Senator Thomas before the La Follette Committee, however, Mr. Hanson revealed little actual knowledge of the Constitution of the United States. Nor, he admitted, did the words "constitutional" or "educational" have any particular significance in the title of the organization.

Senator Thomas: "I can judge quite correctly from what you say then that the word 'constitutional' does not have any meaning in your Constitutional Educational League."

Mr. Hanson "As far as the teaching of the Constitution, not particularly."

Senator Thomas: "And the word 'educational' has no meaning?"

Mr. Hanson: "As far as education pertaining to the Constitution?"

Senator Thomas: "Yes."

Mr. Hanson: "Not except insofar as we have had men who have spoken under our auspices dealing with the Constitution."<sup>51</sup>

At another point in his testimony, Mr. Hanson stated:

"Our activity is not so much pro-Constitution, as anti-Communist and *anti-everything that has to do with subversive movements in this country.*"<sup>52</sup> (Emphasis ours.)

Its fight against "subversive movements" of late has been, in reality, a fight against the efforts of the Committee for Industrial Organization to organize the unorganized workers in basic industries. By its own admission,

"It [the Constitutional Educational League] . . . at the present time is in the forefront of the battle to STOP LEWIS and SMASH COMMUNISM."<sup>53</sup>

Its technique in fighting the C.I.O. follows the well established patterns employed by all anti-labor organizations. Through its educational and publicity departments, it is seeking:

1. To label the C.I.O. as a "communistic" organization.
2. To attribute such violence as has occurred during present labor disputes to the C.I.O.
3. To picture John L. Lewis as a fabulously wealthy, power-mad individual, intent upon exploiting the workers in the C.I.O. for the sake of personal ambitions.

Within the past year it has issued three widely circulated pamphlets, "Join the C.I.O. and Help Build a Soviet America," "Communism's Iron Grip on the C.I.O.," and "The Hell of Herrin Rages Again."

The organization claims to have distributed over 1,000,000 copies of the booklet "Join the C.I.O. and Help Build a Soviet America."<sup>54</sup> Written by Joseph P. Kampf, vice-chairman of the League, it seeks to picture the C.I.O. as a highly synchronized mechanism whose direction emanates from Moscow. An order has only to be issued in Moscow and presto!—it is done—in Detroit, or Chicago, or elsewhere.

Thus:

" . . . instructions from the Congress of the Communist Internationale, issued just two months before the C.I.O. was born, have been followed with dispatch by Lewis and his revolutionary aides."<sup>55</sup>

And again:

"It may be that John L. Lewis is not a Communist, and the auto strike may not have been planned in Moscow. Yet, many months before there was even a suspicion of unrest in the prosperous, high-wage paying motor car industry, a very significant step was taken in the Red capital. In order to conform to Communist plans to overthrow our Government, and establish a Soviet America in its place, the map of the United States was redrawn and the names of its principal cities were changed.

"The City of Detroit was named Lewistown."<sup>60</sup>

Typical of the author's accuracy is his claim that Trade Union Ladies' Auxiliaries in the United States are an innovation of the Communist Party. These organizations have been known to exist long before there ever was a Communist Party in the United States.<sup>61</sup> Many unions affiliated with both the A. F. of L. and the Railroad Brotherhoods have well functioning women's auxiliaries. Furthermore, some "independents," which have been free from attack as communistic, make provisions for ladies' auxiliaries.<sup>62</sup> But, to the Constitutional Educational League, the organization of such groups by the C.I.O. is conclusive evidence of Communist direction. Thus:

"The women relatives of the steel workers are a vital factor in the steel industry," declared Foster, when he directed that "They should be organized into Ladies Auxiliaries!"

"Although this was an unheard-of innovation in the field of trade-unionism, until suggested by the Communists, the C.I.O. was not long in carrying out the idea."<sup>63</sup>

Nor is the author over-accurate in his application of the term "Communist." Thus, the Federated Press, a labor news service, is the "Communist news wire service,"<sup>64</sup> and trade unionists such as Sidney Hillman, David Dubinsky, Clinton Golden, and Francis Gorman are smeared red.

"Communism's Iron Grip on the C.I.O.," a reprint of a speech by Representative Clare E. Hoffman, follows the same general pattern as that in "Join the C.I.O. and Help Build a Soviet America," with perhaps greater emphasis on the violence which it attributes to the C.I.O. The Chicago Memorial Day Massacre, for which the LaFollette Committee found the Chicago police solely responsible, is described as:

"Lawless force and violence met legal force, and in a few moments four lay dead . . ."<sup>65</sup>

Workers, who were shot in the back, according to the findings of the LaFollette Committee, are described by the author as having "charged the police."<sup>66</sup>

The National Americanism Foundation, another agency of this type, was originally organized early in 1936 as the American League Against Communism. The occasion for its organization seems to have been the maritime strike of 1936. During this strike the League, operating from New York and San Francisco, distributed pamphlets, handbills, and news releases, calculated to create the impression that the strike was Communist inspired, and that it was part of a well organized drive to overthrow the capitalistic system and the United States government. Although the League claimed to be in favor of a trade union movement and to be interested only in exposing the Communists therein, its literature labeled both the longshoremen and the rank and file group on the east coast as Communists and thus attempted to discredit these groups with the public.

The National Americanism Foundation considers itself "a clearing house for authentic information relating to radical activities" and its purpose is to expose and combat "all efforts to promote the programs of the enemies of our country."<sup>67</sup> Its program includes plans for the monthly publication and distribution of folders "containing a short interesting fact relating to the history and accomplishments of our country and our people or a comparison between Americanism and the various radical isms in actual practice."<sup>68</sup> The Foundation also contemplates a "factual publicity service for the press of the country, nation-wide broadcasts, a National Speakers Bureau,"<sup>69</sup> and the organization of student activities. Of special interest is the Foundation's proposed "Confidential Service" for business executives. This bulletin "will concisely review the most important items appearing in the current radical publications, making the full text of such article available when desired;" will contain any facts or authentic information that the Bureau of Research may develop from time to time;" and, "when occasion demands, will expose the facts regarding any radical individual or organization."<sup>70</sup>

An analysis of the literature distributed by the Foundation shows

a tendency to label large segments of the labor movement Communistic. The opening sentence of one of these pamphlets, entitled "Leninism . . . Lewisism," indicates the general tone of this literature. "That Lewisism (C.I.O.) is nothing less than the theory and tactics of Leninism transferred from the soil of Russia to the soil of the United States is plain to anyone who can read and think."<sup>67</sup> Alarm is voiced that the C.I.O. is embarking on a political program. This action is interpreted as revolutionary in nature, although the C.I.O. has largely confined its activities to working within the Democratic Party. The sit-down strike and the handling of grievances through shop committees are branded as Russian tactics which will lead to "the revolutionary overthrow of our government and, in the end, to the establishment of a Soviet form of government in the United States, the ruling party of which will be under communist control, and an 'industrial union' under the same control."<sup>68</sup> No indication is given that organization on an industrial basis, the use of shop committees to facilitate bargaining in mass production units, and the sit-down strike<sup>69</sup> can more plausibly be described as highly effective union techniques. The violence accompanying some of the recent strikes was Russian "terrorism"; sympathetic strikes were "*the revolutionary way out*" and "rehearsals for revolution"; the mass production industries were the "Communists' main targets in 1935" and the major objectives of the C.I.O. drive in 1936.

More examples could be given of the attempts to identify the C.I.O. as a part of a communistic drive to overthrow the government and the economic system. Enough has been said, however, to indicate the red-baiting and basically anti-union nature of the propaganda distributed by the National Americanism Foundation. It is significant that this organization was founded during the maritime strike of 1936, that its releases were calculated to discredit the motives and actions of the strikers; that, in general, it publicizes the so-called un-American activities of labor without giving any attention to the un-American actions of other groups such as the Harlan County mine owners, and that it emphasizes its "confidential service" to employers. This organization is obviously fighting unions under the protecting symbol, Americanism.

## V. CONCLUSION

THE above summary makes it clear that the anti-union employers are operating through a well organized mass offensive in their fight against organized labor. Forbidden by law to interfere with their employees' right to organize, these employers and their allies have turned from open opposition to indirect, anti-labor maneuvers and stratagems in order to fulfill their old objectives. In their attempts to confuse and intimidate their employees and to evade the National Labor Relations Act, they have recognized the importance of capturing the support of the "Third Party," the public. Accordingly, they have concentrated their energies on creating public opinion hostile to organized labor. The increasing skill with which these employers crystallize public opinion through their manipulation of the "independents," back-to-work movements, citizens committees for "law and order," and the vigilante groups places in grave jeopardy their employees' right to organize and bargain collectively.

## APPENDIX

### "INDEPENDENT" UNIONS DECLARED BY NATIONAL LABOR RELATIONS BOARD TO BE COMPANY DOMINATED

Case No.	Firm	Decision Rendered	Industry	Company Dominated Union
C-5	Clinton Cotton Mills	12/31/35	Cotton Textile	Clinton Friendship Assn.
C-26	Ansin Shoe Mfg. Co.	6/12/36	Shoe	Progressive Shoe Workers' Union
C-91	Alaska-Juneau Gold Mining Co.	7/21/36	Mining	Juneau Mine Workers' Association
C-93	Carlisle Lumber Company	9/26/36	Lumber	Associated Employees of Onalaska, Inc.
C-125	Nolan Motor Company	11/12/36	Auto Sales	Nolan Motor Co. Employees' Beneficial Assn.
C-134	Pacific Greyhound Lines, Inc.	12/18/36	Motor Bus	Drivers' Assn., Pacific Greyhound Lines
C-145	Remington Rand, Inc.	3/13/37	Office Equip.	Ilion Remington-Rand Employees' Assn.
C-141	Hill Bus Company, Inc.	5/3 /37	Motor Bus	Middletown Remington-Rand Employees' Assn.
C-92	Lion Shoe Company	5/20/37	Shoe Mfg.	Hudson Bus Transportation Drivers' Assn.
C-62	Wallace Mfg. Company	6/30/37	Cotton Textile	Lynn Shoe Workers' Unions
C-105	J. Freezer & Son., Inc.	7/26/37	Men's Shirts	Employees' Assn. of Wallace Mfg. Co.
C-127	American Potash & Chemical Corp.	7/28/37	Chemical	J. Freezer & Son, Inc. Employees' Assn.
C-35-45	Benis Bros. Bag Company	8/10/37	Cotton Bag	Allied Chemical Workers' Assn.
C-169	Central Truck Lines	8/12/37	Trucking	Independent Textile Workers of Bemis
C-204	Highway Trailer Company	9/10/37	Auto	Central Employees' Association
C-243	S. Blechman & Sons, Inc.	11/4 /37	Dry Goods Jobbing	Highway Trailer Employees Shop Unions
C-195	Federal Bearings Co., Inc.	12/10/37	Ball Bearings	Employees' Assn. of S. Blechman & Sons, Inc.
C-202	Metropolitan Engineering Co.	12/16/37	Steel & Electrical Products	Schatz United Employees' Assn.
C-250	Regal Shirt Co.	12/16/37	Men's Shirts	Metropolitan Employees' Assn.
C-265	Bradford Dyeing Ass'n	12/22/37	Dyeing and Finishing	Regal Employees' Association, Inc.
C-199	Ford Motor Company	12/22/37	Automobile	Bradford Dyeing Assn. Employees' Federation
C-260	Idaho Maryland Mines Corp.	1/10/38	Mining	Ford Brotherhood of America
C-276	David & Hyman Zoslow	1/11/38	Shoe Repair & Renewing	Mine Workers Protective League
C-218	Washington Mfg. Company	1/19/38	Cotton Garment	Washington Shoe Workers' Union
				Milan Emp. Assn., Cookeville Emp. Assn.
				Southern Garment Workers' Assn.
C-217	Montgomery Ward and Co.	1/26/38	Merchandising	The Union of Ward Employees
C-249	The Associated Press	1/28/38	Press Service	Independent Employees' Guild
C-239	Todd Shipyards Corp.	2/ 1/38	Shipbuilding & Repairing	Yard Union for Collective Bargaining of the men of Robbins Dry Dock & Repair Co.
C-251	Indianapolis Glove Co.	2/11/38	Glove Mfg.	Indianapolis Glove Workers' Assn.
C-289	Phillips Packing Co.	2/12/38	Food Canning	Cambridge Workers' Assn., Inc.
C-384	New Idea, Inc.	2/18/38	Farm Implement	The New Idea Employees' Assn., Inc.
C-261	American Mfg. Co.	2/18/38	Textile Mfg.	Nu-Art Employees, Inc.
C-267	Cudahy Packing Co.	2/18/38	Meat Packing	Packing House Workers' Union of St. Paul
C-278	Somerset Shoe	2/19/38	Shoe Mfg.	Pine Tree Assn.
C-347	Titan Metal Mfg.	2/23/38	Metal Products	Titan Employees' Protective Assn.
C-275	Altorfers Brothers Co.	3/ 1/38	Washing & Ironing Machine & parts	A. B. C. Employees' Assn.
C-211	Triplette Elec. Instrument Co.	3/ 7/38	Electrical Instruments	The Bluffton Electrical Assn., Inc.
C-335	Ingram Mfg. Co.	3/11/38	Textile Mfg.	Ingram Employees' Council
C-285	Fansiteel Metallurgical Corp.	3/14/38	Rare Metal Products	Rare Metal Workers of America, Local No. 1
C-285	G. Somers & Co.	3/15/38	General Merchandising	Wholesale Employees' Assn. of St. Paul
C-277	General Shoe Co.	3/15/38	Shoe Mfg.	Shoemakers' Assn.
C-241	Trenton-Philadelphia Coach Co.	3/22/38	Motor Bus	Trenton-Philadelphia Coach Co. Drivers and Employees' Assn.
C-232	Stackpole Carbon Co.	3/25/38	Carbon & Radio Products	Stackpole Employees' Assn. of St. Marys
C-357-8	M. Lowenstein & Sons, Inc.	3/26/38	Textile Converting	Employees Group of M. Lowenstein & Sons, Inc.
C-359	Simplex Wire and Cable Co.	3/29/38	Electric Wire & Cable Mfg.	Simplex Employees' Assn.
C-329	Griswold Mfg. Co.	3/30/38	Stove and Furnace Mfg.	Employees' Union of the Griswold Mfg. Co.
C-371	Kiddle Kover Mfg. Co.	3/31/38	Childrens' Garments	Kiddle Kover Employees' Assn.
C-233-4	C. A. Lund Co. & Northland Ski Co.	4/ 5/38	Sporting Goods	Independent Order of Ski Workers
C-252	Inland Steel Co.	4/ 5/38	Iron and Steel	Steel Workers' Indep. Union, Inc.
C-478	Eagle Mfg. Co.	4/ 7/38	Oil and Oil Containers	Eagle Employees Alliance
C-274	Ballston-Stillwater Knitting Co., Inc.	4/ 7/38	Hosiery	Employees Welfare and Protective Assn. of Ballston-Stillwater Knitting Mills
C-326	Empire Worsted Mills, Inc.	4/ 8/38	Woolen Textile	Empire Worsted Mills Shop Union
C-393	The Falk Corp.	4/18/38	Machinery	Independent Union of Falk Employees
C-268-9	Douglas Aircraft Co., Inc.	4/20/38	Aircraft and Parts	Aircraft Workers Union, Inc.
C-374	The Hoover Co.	4/21/38	Vacuum Cleaners	Hoover Employees Assn.
C-610	The Hewitt Soap Co.	4/21/38	Soap	The Employees Independent Assn. of the Hewitt Soap Co., Inc.

## FOOTNOTES

1. See for example *Extent and Characteristics of Company Unions*, Preliminary Report. Reprint from the Monthly Labor Review (October 1935) of the Bureau of Labor Statistics, U. S. Department of Labor. Serial No. 290.
- Types of *Employer-Employee Dealing*. Reprint from the Monthly Labor Review (December 1935) of the Bureau of Labor Statistics, U. S. Department of Labor. Serial No. R 317.
- Characteristics of Company Unions, April 1935*. Bureau of Labor Statistics. U. S. Department of Labor. May 1937. Bulletin No. 634.
2. See Appendix for list of "independents," found by the Board to be company dominated.
3. Study of 85 So-called Independent Unions and Readapted Company Unions, Division of Economic Research, N. L. R. B., July, 1937.
4. *N.A.M. Labor Relations Bulletin*, No. 23, July 23, 1937. (pp. 3 & ff.)
5. *Ibid.*, p. 16.
6. *Ibid.*, p. 17.
7. "Employees Can Form Factory Unions." In *Factory Management and Maintenance*, Vol. 95, No. 8—August, 1937.
8. N.L.R.B. Study of 85 So-Called Independent Unions. *op. cit.*
9. *Idem*. Of the 85 "independents" studied, fifty-six expressed opposition to outside unions in their literature.
10. Letter from P. H. Gee to Fred Werner, August 22, 1937—Board's Exhibit No. 14-49A. Berkshire Hosiery Case. Case No. IV-C-106.
11. Letter from Fred Werner to R. A. Frissell, May 17, 1937—Board's Exhibit No. 14-6, Berkshire Hosiery Case. Case No. IV-C-106.
12. Letter from P. H. Gee to Fred Werner, August 15, 1937—Board's Exhibit No. 14-45 in the Berkshire Hosiery Case. Case No. IV-C-106.
13. Letter from P. H. Gee to Fred Werner, August 22, 1937—Board's Exhibit No. 14-49. Case No. IV-V-106.
14. Letter from Don J. Kirkley to Fred Werner, Sept. 29, 1937—Board's Exhibit No. 14-56 in the Berkshire Hosiery Case. Case No. IV-C-106.
15. *N. A. M. Labor Relations Bulletin*, *op. cit.* p. 17.
16. Advertisement in the *Cincinnati Times-Star*, October 19, 1937.
17. Sample organizing literature in pamphlet, entitled *Join Our Independent Local Union*. Published by Independent Organizations' Service, Inc., Cincinnati, O. 1937. pp. 2, 3 and 5.
18. "Truth Will Out," *Labor Board vs. Remington Rand*. Report issued by Joint Committee of Remington Rand Employees' Associations.
19. Letters of transmittal, "Truth Will Out," *op. cit.*
20. In the Matter of Remington Rand, Inc. and Remington Rand Joint Protective

- Board of the District Council Office Equipment Workers, Case No. C-145—Decided March 13, 1937. N.L.R.B. Decisions and Orders, Vol. II, p. 643.
21. *Ibid.*, p. 642.
22. Letter from P. H. Gee to Fred Werner. August 22, 1937. Board's Exhibit No. 14-49A in the Berkshire Hosiery Case. Case No. IV-C-106.
23. In re G. Sommers & Company and Warehouse Employees Union No. 20297, of St. Paul, Case No. C-285. Decided March 15, 1938. 5 NLRB, No. 130.
24. In re A. L. Colten and A. J. Colman, Co-partners, Doing Business as Kiddie Kover Manufacturing Company and Amalgamated Clothing Workers of America. Case No. C-371. Decided March 31, 1938. 6 NLRB, No. 54.
25. In re J. Freezer & Son, Inc., and Amalgamated Clothing Workers of America. Case No. C-105. Decided July 26, 1937. 3 NLRB, No. 12.
26. In re Inland Steel Company and the Amalgamated Association of Iron, Steel and Tin Workers of North America. Case No. XIII-C-351. Transcript of Official Record. June 28, 1937. P. 18.
27. In re Griswold Manufacturing Company and the Amalgamated Association of Iron, Steel and Tin Workers of North America, Case No. VI-C-149. Transcript of Official Record. September 28, 1937. p. 256.
28. In re Regal Shirt Company and Amalgamated Clothing Workers of America, Case No. C-250. Decided December 16, 1937. 4 NLRB, No. 74.
29. *Idem*.
30. In re Phillips Packing Company, Inc., and Phillips Can Company, a Corporation, and United Cannery, Agricultural, Packing and Allied Workers of América. Cases Nos. C-289 and C-290. Decided February 12, 1938. 5 NLRB, No. 54.
31. In re The Federal Bearings Co., Inc. and Local 297, International Union, United Automobile Workers of America Case No C-195. Decided December 10, 1937. 4 NLRB, No. 66.
32. In re Indianapolis Glove Company and the Amalgamated Clothing Workers of America, Local No. 145. Case No. C-251. Decided February 11, 1938. 5 NLRB, No. 34.
33. Inland Steel Case, *Loc. cit.* Transcript of June 28, 1937, p. 17.
34. In re Bemis Brothers Bag Company and Local No. 1838, United Textile Workers of America. Cases Nos. C-55 and C-95. Decided August 10, 1937. 3 NLRB, No. 23.
35. Berkshire Knitting Mills Case, NLRB No. IV-C-106. Oral argument before the Board. March 10, 1938.
36. In re Weirton Steel Company and the Steel Workers Organizing Committee. Case No. VI-C-74. Testimony of Norman K. Moore, general secretary of the ERP. Transcript of Official Record, pp. 17031 and ff.
37. Weirton Steel Case. *Loc. cit.* Testimony of Claude Conway, official of the Security League. Transcript of Official Record, pp. 18863 and ff.
38. *N.A.M. Labor Relations Bulletin*, July 20, 1936, p. 5.

39. Remington Rand Decision, *op. cit.* pp. 664-6.

40. Official Report of Proceedings before the National Labor Relations Board: In the Matter of Bethlehem Steel Corporation, Bethlehem Steel Company and Steel Workers' Organizing Committee, Case No. I-C-70.

41. *N.A.M. Labor Relations Bulletin*, No. 22, July 15, 1937. pp. 2-10.

42. Pamphlet entitled *Industrial Strife and "The Third Party,"* distributed by the N.A.M., August 1937, p. 1.

43. *Ibid.*, p. 7.

44. *Ibid.*, p. 7.

45. *Ibid.*, pp. 10-13.

46. *Ibid.*, p. 17.

47. Brooks, Robert, *When Labor Organizes*, New Haven, 1937. pp. 155-6.

48. Coeur d'Alene Miners—Handbill used in Sunshine Mining Strike, Kellogg, Idaho, 1937.

49. Distributed during the Gulf Longshoremen's strike at Mobile, August, 1935.

50. Hearings before a Sub-committee of the Committee on Education and Labor, U. S. Senate, 75th Cong. 2nd Sess. On S. Res. 266 (74th Cong.) Nov. 19, 1937. p. 11. Galley Proof.

51. *Ibid.*, p. 16.

52. *Ibid.*, p. 16.

53. *Stop Lewis and Smash Communism!* Program of the Constitutional Educational League. p. 3.

54. *Stop Lewis and Smash Communism*, p. 4.

55. *Join the C.I.O. and Help Build a Soviet America*, p. 15.

56. *Ibid.*, p. 11.

57. Theresa Wolfson, *The Women's Auxiliary to Trade Unions' and Workers' Education*, 2nd ed., New York, 1926.

58. For example, the Constitution of the Industrial Employes Union, Inc., provides: "Social Members: Any Local may organize junior, ladies' or other auxiliaries, or accept non-voting social members; fees and regulations for these to be determined by the Local, and such fees to be retained by the Local." (Constitution and By-Laws of the Industrial Employees Union Incorporated, adopted May, 1937, pp. 5-6).

59. *Join the C.I.O. and Help Build a Soviet America*, p. 38.

60. *Ibid.*, p. 35.

61. *Communism's Iron Grip on the C.I.O.*, p. 11.

62. *Ibid.*, p. 11.

63. *A Declaration of Principles With A Program For Loyal Americans In Observance of the 150th Anniversary of the United States of America*. Pamphlet distributed by the National Americanism Foundation, p. 13.

64. *Ibid.*, p. 2.

65. *Ibid.*, p. 13.

66. *Ibid.*, p. 9.

67. *Leninism—Lewisism*, p. 1.

68. *Ibid.*, p. 6.

69. The sit-down strike ante-dates the C. I. O. and has been used by organized labor throughout the world as a bargaining weapon. One author states that the earliest reference to a sit-down strike is to one that occurred in Rouen, France, in 1485. This was conducted by builders working on a cathedral. (*Sit-Down Strikes A Reading List Compiled by G. F. Pettengill*. Reprinted from the Bulletin of the New York Public Library of June, 1937). The recent wave of sit-downs "seems to date from 1931, when there were four such strikes in Poland." In 1933, before the C.I.O. was formed, there were 139 sit-down strikes. (*Idem.*)

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Cf. Vol. I, pp. 132-4 and 401-12.

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Chapt. XXVIII, "Beginnings of Company Unionism."

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Cf. Hearings on Lake Erie Chemical Co., Manville Mfgr. Co. Tennessee Coal, Iron and Railroad Co., National Metal Trades Association, Chrysler Corp., General Motors Corporation, American Bridge Co., Radio Corporation of America, Manufacturing Co., Inc., Goodyear Tire and Rubber Co., Harlan County, and National Association of Manufacturers.

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Cf. Remington Rand, Inc., and Remington Rand Joint Protective Board of the District Council Office Equipment Workers. Case No. C-145. Decided March 13, 1937. Vol. II, pp. 627 and ff.

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